

ENTERED

November 17, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. G-16-15 (2)
	§	
TONY PEREZ	§	

ORDER OF DETENTION PENDING TRIAL

On November 16, 2016, this Court conducted a Hearing on the Government's Motion to Detain **Tony Perez**, a named Defendant in the above-styled and numbered cause. The Government appeared by attorney and announced ready; the Defendant appeared in person and by court-appointed counsel and announced ready. The Government offered the testimony of James Emmerson, a member of the Drug Enforcement Administration Task Force; the Defendant offered the testimony of his mother, Christina Perez, in support of his request for release. The Court also made the Pretrial Services report, which recommended detention, a part of the record for purposes of the Detention Hearing only. Having now considered the evidence, this Court makes the following findings of fact and conclusions of law:

1. That pursuant to the Indictment there is probable cause to believe that **Tony Perez** has committed a drug offense with a maximum penalty of ten years or more confinement, see 18 U.S.C. § 841, see also United States v. Trosper, 809 F.2d 1107, 1110 (5th Cir. 1987);

2. That by virtue of the foregoing finding a rebuttable presumption was created in favor of **Perez**'s detention, 18 U.S.C. § 3142(e);
3. That the strength of the Government's evidence is substantial: over the course of **Perez**'s participation in a conspiracy for over seven months he was (a) heard, via telephone taps, negotiating and discussing drug transactions; (b) arrested in possession of methamphetamine; and (c) found to have firearms at his residence;
4. That prior to the commission of the alleged instant offenses **Perez** pleaded guilty to a state drug offense and was placed on deferred adjudication which has twice been modified and which will, most likely, soon be the subject of a motion to revoke and adjudicate;
5. That **Perez** committed the instant alleged offense while serving on deferred adjudication probation;
6. That **Perez**'s evidence has not rebutted the presumption of danger established by 18 U.S.C. § 3142(e);
5. That by virtue of the foregoing findings, **Perez** would constitute a danger to the community if released on bond;
8. That the credible evidence and information submitted establishes by clear and convincing evidence that there is no condition or combination of conditions which could be imposed upon **Perez** by this Court to reasonably assure the safety of the community or his appearance in Court if he were released.

It is, therefore, **ORDERED** that **Tony Perez** be, and he is hereby, **COMMITTED** to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

It is further **ORDERED** that **Tony Perez SHALL** be afforded a reasonable opportunity for private consultation with defense counsel.

It is further **ORDERED** that upon Order of a Court of the United States or upon request of an attorney for the Government, the person in charge of the corrections facility **SHALL** deliver **Tony Perez** to the United States Marshal for the purpose of an appearance in connection with a Court proceeding.

DONE at Houston, Texas, this 17th day of November, 2016.



John R. Froeschner
United States Magistrate Judge